

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

06-CR-6009CJS

v.

MARIAN ASENOV PENEV,

Defendant.

GOVERNMENT'S NOTICE OF INTENT TO USE EVIDENCE

The United States of America, through its attorneys, Terrance P. Flynn, United States Attorney for the Western District of New York, and Richard A. Resnick, Assistant United States Attorney, of counsel, hereby files its Notice of Intent to Use Evidence pursuant to Fed.R.Crim.P. 12(b)(4). The government reserves the right to supplement this notice as additional evidence or information comes to the attention of the United States Attorney's Office.

The government presently intends to use all of the evidence shown and/or made available for inspection to defense counsel. More specifically, and without limitation, the government intends the following evidence:

1. Computer hard drive belonging to the defendant and seized from his residence, a mirror copy of which has been provided to the defendant, and all relevant information contained on this item. This includes any statements the defendant made to the victim using this computer. This item was seized pursuant to a state search warrant, which has been provided to the defendant. This item was then turned over to the federal government pursuant to a federal search warrant.

2. Computer hard drive belonging to the defendant and seized from his business, and all relevant information contained on this item. This includes any statements the defendant made to the victim using this computer. This item was seized pursuant to a state search warrant, which has been provided to the defendant. This item was then turned over to the federal government pursuant to a federal search warrant.

3. Information and materials contained on the victim's computers. Copies of such materials have been provided to the defendant.

4. Records from the defendant's credit cards, internet service provider and telephone service.

5. Records regarding the defendant's ownership and occupancy of his residence.

The government will notify defense counsel of any additional evidence of the same kind which becomes available to it prior to trial.

Dated: May 4, 2006

Respectfully submitted,

TERRANCE P. FLYNN
United States Attorney

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To: Donald M. Thompson, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2006, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant(s) on this case:

Donald M. Thompson, Esq.

s/ KIM M. PETTIT